

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Scott Carlton	Team: Squad #16	CCRB Case #: 201800210	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/01/2018 7:00 PM	Location of Incident: § 87(2)(b)	Precinct: 113	18 Mo. SOL 7/1/2019	EO SOL 7/1/2019	
Date/Time CV Reported Mon, 01/01/2018 8:35 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/08/2018 11:01 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Yevgeniy Zaytsev	12848	949825	113 PCT
2. POM Michael Procida	12633	961124	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Procida	Abuse: Police Officer Michael Procida refused to provide his name to § 87(2)(b)	§ 87(2)(b)
B.POM Yevgeniy Zaytsev	Abuse: Police Officer Yevgeniy Zaytsev refused to provide his name to § 87(2)(b)	§ 87(2)(b)

### Case Summary

On January 1, 2018, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau (IAB) by telephone, generating IAB log #18-73. On January 8, 2018, this case was received by the Civilian Complaint Review Board (CCRB).

On January 10, 2018, § 87(2)(b) was reached at the telephone number provided by the IAB, at which time she provided a phone statement. The mediation and investigation processes were explained. § 87(2)(b) rejected mediation § 87(2)(b) rejected the investigation process when it was first explained for the same reasons, and stated that she would instead pursue compensation through the Office of the New York City Comptroller. § 87(2)(b) was told she could withdraw her complaint with the CCRB or have the case be closed as “complainant uncooperative.” § 87(2)(b) opted to pursue an investigation rather than close the complaint, but believed the disposition would be in the favor of the officers and that she would not benefit from the process. She refused to schedule a time to interview at the CCRB over the telephone and required that she be sent an appointment time in writing, either by letter or email, which she would confirm or postpone dependent upon her availability. § 87(2)(b) refused to provide any dates and times that were convenient for her.

On January 10, 2018, § 87(2)(b) was sent an email which proposed an interview date and time of January 16, 2018. § 87(2)(b) responded to the email on January 18, 2018, on which date she asked that her appointment be scheduled for January 26, 2018. On the same day, § 87(2)(b) was sent an email in which she was asked to confirm the erroneous appointment date of December 26, 2018. On January 25, 2018, § 87(2)(b) was again emailed in order to communicate that the previous email had been intended to propose an appointment date of January 26, 2018 rather than December 26, 2018, and to ask that § 87(2)(b) either confirm the appointment date of January 26, 2018 or propose another date in the near future. § 87(2)(b) did not respond to the emails sent on January 18, 2018 and January 25, 2018. Neither email was returned.

On January 16, 2018 and February 1, 2018, telephone voicemails were left for § 87(2)(b). On February 2, 2018, § 87(2)(b) called the CCRB and left an inaudible voicemail. § 87(2)(b) was called back on the same date, at which time she stated that she wanted to provide a statement at the CCRB. When § 87(2)(b) was asked to schedule a time, she said she would call back and terminated the call.

Between February 6, 2018 and February 12, 2018, § 87(2)(b) was called three times. On each occasion, a voicemail was left. On February 8, 2018 and February 13, 2018, § 87(2)(b) was emailed. Neither email was returned. On February 8, and February 27, 2018, letters were sent to the address where § 87(2)(b) lived at the time the incident occurred. The letters were not returned by the United States Postal Service (USPS). § 87(2)(b) did not respond to any of these contact attempts.

On February 15, 2018, § 87(2)(b) was reached by telephone, at which time she scheduled an interview for February 23, 2018. Two text message reminders about the appointment were sent without error on February 21, 2018 and February 22, 2018. § 87(2)(b) did not appear for her appointment at the CCRB. She did not provide prior notification that she would not be present or communicate why she was absent afterward.

On February 25, 2018, a voicemail was left for § 87(2)(b) in which she was told that her case would be closed at the end of the business day on February 26, 2018 if she did not call back before that time. § 87(2)(b) has not returned the telephone call.

§ 87(2)(g)

Squad No.: 16

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date